

Converting Important Ag Land?

What You Need To Know ...

For community planners, more often than not, local projects involve federal dollars and/or federal technical assistance. When either or both elements are part of a project and the project converts farmland to nonagricultural use, then the planner needs to know and understand the requirements of the Farmland Protection Policy Act (FPPA). This act was signed into law as part of the Agriculture and Food Act of 1981, and is the first federal law to address the loss of productive agricultural land to non-farm development.

For the purposes of clarification, planners can use the following as a guide to what does and does not qualify as federal involvement and what projects most often are subject to FPPA requirements.

Assistance from a federal agency includes:

- Acquiring or disposing of land
- Providing financing or loans
- Managing property
- Providing technical assistance

Activities or projects that often are subject to FPPA include:

- State highway construction projects (through FHA)
- Airport expansions
- Electric cooperative construction projects
- Railroad construction projects
- Telephone company construction projects



- Reservoir and hydroelectric projects
- Federal agency projects that convert farmland
- Other projects completed with federal assistance

Activities not subject to FPPA include:

- Federal permitting and licensing
- Projects planned and completed without the assistance of a federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before 8/4/1984
- Construction for national defense purposes
- Construction of on-farm structures needed for farm operations
- Surfacing mining, where restoration to agricultural use is planned

FPPA requires a determination be made that ranks the land and its potential use versus maintaining it as agriculture land. That's when a planner should contact



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the local USDA Natural Resources Conservation Service (NRCS) for help establishing a conversion impact rating score. NRCS uses its Agriculture Land Evaluation and Site Assessment system to help the decision makers arrive at a rating score based on land evaluation and site assessment. Land evaluation rates soils based on their suitability for specific agriculture use and site assessment uses non-soils factors related to agricultural use of a site; factors associated with development pressures and factors related to public value of a site. NRCS refers to this process as Agriculture Land Evaluation and Site Assessment (LESA). The higher the rating score, the more likely the site is suited for long term agricultural production. LESA provides a framework for land evaluation and site assessment procedures documentation before individual sites are considered. It also allows for consistency when evaluating sites, thereby minimizing bias. This is an important first step as communities expand farther and farther into the countryside accessing lands previously used for agriculture. Keep in mind that farmland subject to FPPA does not have to be currently in crop production. It can be forest and pasture land, or other land, but not water or urban built-up land.

LESA uses existing information while accommodating differences within states, counties, or areas. It accesses nationwide soil survey information and soil interpretations along with planning principles routinely used by community planners. The final outcome does

not take away local power to make these decisions, but rather it helps the planner make more sound decisions.

Key uses for LESA:

- Identify Important Farmland
- Implement national, state and local farmland protection policies
- Prepare and update comprehensive land use plans
- Guide the appropriate use of state, local, or federal funds
- Serve as a consistent basis for taxes on agricultural land
- Implement a program to purchase or transfer development rights
- Prepare EIS as they relate to agricultural land
- Plan water and natural resource projects
- Plan sewage, water, and transportation projects
- Determine minimum size farm units to be included in agricultural districts

For more information contact NRCS at your local USDA Service Center located in the telephone book under U.S. Department of Agriculture.

**Information
also available at:**

<http://www.nrcs.usda.gov/programs/fppa>

